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FACT SHEET

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Elkins Family Law Task Force and Elkins Family Law Implementation Task Force

The Elkins Family Law Task Force, chaired by Associate Justice Laurie D. Zelon of the Court of Appeal, Second Appellate District (Los Angeles), was appointed in May 2008 to conduct a comprehensive review of family law proceedings and recommend proposals to the Judicial Council of California to increase access to justice, ensure due process, and provide for more effective and consistent rules, policies, and procedures in these cases. The task force completed its work and presented its final report with more than 100 recommendations to the council in April 2010. The report may be viewed on the California Courts website at www.courts.ca.gov/4042.htm.

In July 2010, the Elkins Family Law Implementation Task Force was appointed to help implement the recommendations in the report.

Committed to Equal Justice and a Collaborative Process

The Elkins Family Law Task Force was appointed in response to an August 2007 California Supreme Court opinion, *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, which held that marital dissolution trials should “proceed under the same general rules of procedure that govern other civil trials” (*id.* at p. 1345). The charge of the task force was to propose measures to improve efficiency and fairness in family law proceedings and ensure access to justice for all family law litigants.

Family law cases are critically important to litigants, children, and families, as well as the community at large. The increasing demands on courts dealing with family law cases include complex legal issues, high volume of cases, and staggering numbers of self-represented litigants—in many communities, more than 75 percent of family law cases involve at least one self-represented party.

At its initial meeting in June 2008, the task force defined values that guided its work and informed its final recommendations:

- Ensuring justice, fairness, and due process in family law;

- Ensuring meaningful access for all litigants;
- Using innovative techniques to promote effectiveness and efficiency;
- Improving the status of, and respect for, family law litigants and the family law process; and
- Securing adequate resources, including existing, reallocated, and new resources.

The task force sought input from all stakeholders, including litigants, attorneys, judicial officers, and court staff, throughout the process.

The task force's recommendations in its final report fall into five general categories:

1. Create efficient and effective procedures to help ensure justice, fairness, due process, and safety;
2. Provide more effective child custody procedures for a better court experience for families and children;
3. Ensure meaningful access to justice for all litigants;
4. Improve the status of, and respect for, family law litigants and the family law process through judicial leadership; and
5. Encourage future innovation.

Diverse Membership With Extensive Expertise

The 38-member task force included appellate court justices, judges, court commissioners, private attorneys, legal aid attorneys, family law facilitators, self-help center attorneys, court executives, family court managers, court administrators, and legislative staff. Similarly, the 19-member implementation task force reflects the diversity of the statewide court system and includes judges, attorneys, court administrators, and legislative staff who previously served on the Elkins Family Law Task Force.

Input Sought Through Several Channels

The task force sought input in a variety of ways, including:

- Focus groups conducted across the state;
- Research on best or promising practices both within and outside of California;
- Presentations from task force members and other experts about different aspects of the court process;

- Public hearings;
- A survey of bar members;
- Public comment, solicited via the web, e-mail, and regular mail; and
- Circulation of draft recommendations for consideration by the public and the courts.

At the direction of the Judicial Council, the Elkins Family Law Implementation Task Force focuses on implementing those recommendations of the Elkins Family Law Task Force accepted by the council. (See www.courts.ca.gov/4267.htm.) In addition to providing the council with recommendations on implementation, the task force's charge includes:

- Proposing rules of court, forms, and Judicial Council-sponsored legislation for the council and its internal committees to consider; and
- Coordinating implementation efforts where appropriate with the Trial Court Presiding Judges Advisory Committee, the Family and Juvenile Law Advisory Committee, and other related advisory groups; divisions of the Administrative Office of the Courts (AOC); and justice system partners.

The Elkins Family Law Implementation Task Force welcomes comments and suggestions from interested stakeholders. Please contact the task force by e-mail at elkinstaskforce@jud.ca.gov.

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Additional resources:

www.courts.ca.gov/
www.courts.ca.gov/3046.htm